

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/796,938

First named inventor: Ron Naftali

Filed: March 9, 2004

Art unit: 2851

Examiner: Liu, Michael

Docket No.: 40006317-0024-002

Confirmation No.: 4473

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

The applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. The review is requested for the reasons stated on the attached sheets.

This request is being filed with a Notice of Appeal.

If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,
SONNENSCHN NATH & ROSENTHAL LLP

Dated: February 18, 2009

/ Tarek N. Fahmi/

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STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

STATUS OF CLAIMS

Claims 1-8 are currently pending, all of which have been rejected.

GROUND OF REJECTIONS TO BE REVIEWED

Whether claims 1-8 are patentable over US Patent 4,904,569 to Fukuda et al. (hereinafter "Fukuda") under 35 U.S.C. §103(a).

ARGUMENT

The present claims recite, among other elements, directing at least one beam of radiation having a first cross-section towards a saturable absorber so as to allow a portion of said beam to propagate towards a radiation sensitive layer, wherein the portion has a second cross-section that is smaller than the first cross-section. Fukuda fails to teach or suggest at least this element of the present claims.

In the Final Office Action dated November 18, 2008 (hereinafter "Final Office Action"), it appears that the saturable absorber of the present claims is being equated with the reversible transmission film of Fukuda. Final Office Action, page 3. Fukuda is directed to a pattern forming method that generates a "fine pattern accurately on a substrate surface having a large level difference." *Fukuda*, col. 2, lines 46-50. Fukuda discloses a reversible transmission film that "functions as a contrast enhancement layer." *Id.*, col 16, lines 65-66. Thus, the reversible transmission layer of Fukuda is limited to sharpening or enhancing the edges of a pattern being printed on a photoresist layer. In contrast, the saturable absorber of the present claims acts to reduce the cross-section of a beam propagating toward a radiation sensitive layer.

Thus, the results produced by the use of the reversible transmission film of Fukuda and the saturable absorber of the present claims are quite distinct and are clearly not analogous to one another. Furthermore, Fukuda, taken as a whole fails to mention or suggest a saturable absorber, the use of which, has the net effect of reducing the size of a beam that passes through to a radiation sensitive layer.

For at least the reasons provided above, Fukuda fails to teach or suggest each and every element of the present claims. Accordingly, the Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of the present claims.